

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

NICOLAS VALADEZ REY and
JESSICA LEANNE QUINN,

Plaintiffs,

Civil Action No. 4:19-CV-00714-LMC

v.

GENERAL MOTORS LLC,

Defendants.

MOTION TO EXTEND SCHEDULING ORDER DATES

Pursuant to L.R. 16.3, as well as the Court’s Scheduling and Trial Order and related amendments (Docs. 20, 26, 33), Defendant General Motors LLC (“GM LLC”) respectfully requests that the Court extend the pre-trial deadlines set-out herein by 60 days (the “Motion”).

In support of the Motion, and consistent with the Court’s directives on motions to extend scheduling deadlines, GM LLC submits that there is good cause for the extension and that neither party will be prejudiced. There is currently no trial date set for this matter, which is a complicated automotive product liability case involving technical design and engineering issues, requiring substantive expert investigation and discovery. Plaintiffs have served a significant number of written discovery requests seeking decades old information from GM LLC. To date, GM LLC has had to search for, collect, review, and produce over 14,000 documents, representing just under 200,000 pages, to respond to the discovery propounded by Plaintiffs in this case. There are also numerous depositions, expert inspections, and other activities to complete.

Concurrent with the substantive issues that are the subject of discovery in this case, in March 2020 there was an outbreak of Coronavirus Disease 2019 (“COVID-19”), which was declared a global pandemic by the World Health Organization. Michigan, where GM LLC is

headquartered, is currently still under a statewide state of emergency, which will remain in place until at least June 19, 2020.¹ In an effort to decrease the spread of the disease, travel has been restricted by governments and businesses, and social-distancing has been ordered. For example, until recently, GM LLC's lead counsel, Dykema Gossett PLLC, has banned all non-essential travel. Similarly, GM LLC has barred employees from any non-essential travel, and its headquarters remain largely shutdown.

As a result of these conditions, the parties have not completed all the necessary discovery and investigation to prepare this case for trial, or will need additional time beyond the deadlines in the current scheduling order. For example, GM LLC legal staff and other employees involved in this litigation have been unable to meet in person with defense counsel in this case, and have undertaken what work they are able to do remotely from their homes, including the aforementioned document collection, review, and production. Additionally, travel bans and related restrictions throughout the country have limited the parties ability to complete fact witness depositions, including depositions of plaintiffs, scene witnesses, and GM LLC employees and corporate representatives. The travel and social distancing restrictions have also delayed in-person vehicle inspections in Conroe, Texas, where Plaintiffs' attorneys are storing the subject vehicle. These activities are currently restarting, as States and business open back up, and it becomes safer for attorneys, witnesses, and experts to travel and convene together.

In short, a brief extension will allow the parties to complete the necessary fact and expert discovery to prepare this matter for trial in 2021 when a trial date is set by the Court.

¹ See Executive Order 2020-99 (COVID-19) – Declaration of State of Emergency (May 22, 2020), available at: https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-530039--,00.html.

Two short extensions were previously granted by the Court (Docs. 26, 33). The current deadlines, and the proposed extension, are set out below:

Event	Current Date	Proposed Date
Motions to join additional parties	July 1, 2020	September 1, 2020
Motions to amend pleadings	July 1, 220	September 1, 2020
Plaintiffs' expert designations	July 2, 2020	September 2, 2020
Defendants' expert designations	August 4, 2020	October 5, 2020
Discovery motions	August 18, 2020	October 19, 2020
Discovery cutoff	September 1, 2020	November 2, 2020
Motions pertaining to collateral estoppel	September 8, 2020	November 9, 2020
Dispositive motions	October 1, 2020	December 1, 2020
Motions to strike experts	October 1, 2020	December 1, 2020
Choice of law motions	October 1, 2020	December 1, 2020

Consistent with L.R. 16.3(a), substantive remaining discovery activities that are currently anticipated include the following:

Event	Date or Proposed Dates
Plaintiffs' depositions (N. Rey; J. Quinn, Minor)	Plaintiffs have proposed July 22, 23, 24, 30, or 31.
GM LLC 30(b)(6) deposition	GM LLC has proposed July 31.
Initial Defense Expert Inspections	Defendants have proposed June 18-19, June 23, July 14, and July 15.
Expert depositions	Following the parties' respective Rule 26 expert disclosures, expert depositions will be scheduled.

WHEREFORE, GM LLC respectfully requests that the Court grant the Motion and extend the pre-trial deadlines as set out herein.

Dated: June 17, 2020.

Respectfully submitted:

/s/ Stephen J. Torline

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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing on June 17, 2020 via the Court's electronic filing system, which will generate a notice to all counsel of record.

Stephen J. Torline

Attorney